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BEFORE THE

Federal Communications Commission

WASHINGTON, DC 20554

In the Matter of	)	
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Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	

MAY 16 1996

COMMENTS OF AIRTOUCH COMMUNICATIONS, INC.

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COMMENTS OF AIRTOUCH COMMUNICATIONS, INC.

AirTouch Communications, Inc. ("AirTouch") hereby submits its comments in response to the Commission's *Notice of Proposed Rulemaking* in the above-captioned proceeding.[1] These comments demonstrate that (1) LEC-CMRS interconnection is governed by Section 332(c)(1)(B) of the Act, not Sections 251/252; and (2) the Commission should proceed to implement a new framework for LEC-CMRS interconnection before resolving the many issues raised in the instant *NPRM*.

AirTouch provides below a recommended interim solution to the pervasive LEC-CMRS interconnection rate problems which are now a matter of record at the Commission. The centerpiece of this proposal is the adoption of "true-up" procedures (to ensure that no parties are unjustly enriched), which would be coupled with the immediate suspension of existing LEC-CMRS interconnection rates while new rates are being negotiated. Under the third component of this proposal, the Commission would establish a permanent 1¢ per minute rate ceiling which would govern all ongoing and future LEC-CMRS interconnection negotiations.

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[1] *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, CC Docket No. 96-6, FCC 96-182 (rel. Apr 19, 1996) (the "*NPRM*").

INTRODUCTION AND SUMMARY

The purpose of this proceeding is to adopt rules to implement the local competition provisions of the Communications Act of 1934 ("Act") as amended by the Telecommunications Act of 1996 ("1996 Act"), particularly Section 251. In this context, the Commission has sought comment on whether LEC-CMRS interconnection is governed by Sections 251/252 of the Act and whether CMRS providers should be considered "local exchange carriers" for purposes of Section 251(b).

As discussed below, AirTouch submits that all matters related to LEC-CMRS interconnection continue to be governed exclusively by Section 332(c)(1)(B) of the Act. While Section 251 (and Section 252) generally set forth broad parameters applicable to federal and state regulatory authority over interconnection by LECs, Section 332(c)(1)(B) is the *only* provision in the Act which specifically addresses jurisdiction over LEC-CMRS interconnection. That provision assigns exclusive regulatory authority over both interstate and intrastate LEC-CMRS interconnection to the Commission "pursuant to the provisions of Section 201," under which the Commission must ensure (under Section 201(b)) that such interconnection is provided at just and reasonable rates.

Moreover, the 1993 revision to Section 2(b) of the Act, which established a specific exception for those services governed by Section 332, confirmed that Section 332 extended federal regulatory authority to *intrastate* CMRS. Nothing in the 1996 Act suggests that Congress intended to reverse this decision less than three years after its enactment. Indeed, Congress evidenced its intent to preserve the Commission's authority over both interstate and intrastate LEC-CMRS interconnection by adding Section 251(i), a savings provision which clarifies that Section 251 is not to be construed as limiting or

otherwise affecting the Commission's authority under Section 201, which had been expanded in 1993 to include intrastate LEC-CMRS interconnection issues.

CMRS providers are not "local exchange carriers" as that term is defined by Section 3(44) of the Act. This conclusion is based primarily on the express exclusion of CMRS providers from that definition. While Congress has authorized the Commission to expand the scope of Section 3(44) to include CMRS, the legislative history makes clear that such action should only be taken, if ever, when CMRS providers offer services that are substitutable for landline local exchange services on a widespread basis. Congress expects the Commission to develop policies that promote competitive entry by CMRS providers into the local exchange marketplace, but it would be unlawful to regulate CMRS providers as though they were providing such services today.

One unfortunate byproduct of this proceeding is that it has served to delay Commission action in an earlier proceeding, CC Docket No. 95-185. The record developed in that proceeding demonstrates conclusively that the rates paid by CMRS providers for interconnection generally bear no relationship whatsoever to the actual costs LECs incur in providing the interconnection. Indeed, these rates are typically many times higher than LECs' own estimates of those costs. Moreover, the rates charged for essentially the same types of interconnection are wildly inconsistent from one state to the next. In addition, the record establishes categorically that the LECs have ignored the Commission's reciprocal compensation requirements. These pervasive problems persist, and the need for interim relief is more acute than ever

To remedy these problems on an interim basis, AirTouch recommends the adoption of a three-part procedure. First, existing LEC-CMRS interconnection rates

should be suspended immediately pending the development of a new negotiated rate (or a rate imposed by the Commission if parties cannot reach agreement). Second, the Commission should adopt "true-up" procedures whereby the LEC will be compensated (with interest) for the interconnection services provided during the suspension period. The compensation would reflect the new, negotiated rate terms. As a third component of this procedure, the Commission would establish a permanent 1¢ per minute rate ceiling that would serve as a cap governing all current and future LEC-CMRS interconnection negotiations. Adoption of these procedures would (1) bring to an immediate end unreasonably high LEC-CMRS rates, (2) create an environment conducive to LEC cooperation with CMRS providers during interconnection negotiations, and (3) help ensure that no parties are unjustly enriched.

Section II.B.2.e(2) and Section II.C

I. LEC-CMRS INTERCONNECTION IS GOVERNED BY SECTION 332(c)(1)(B)

AirTouch and others pointed out in their comments in CC Docket No. 95-185 that LEC-CMRS interconnection is governed exclusively by Section 332(c)(1)(B) of the Act. AirTouch does not intend herein to repeat all of the arguments supporting that contention which are now part of the extensive record in that proceeding. A brief review of those points is critical, however, to an analysis of whether Section 251(c)(2) is applicable to LEC-CMRS interconnection, a specific question raised in this *NPRM*.

In AirTouch's view, the vigorous debate that has developed over this question is largely overblown because the language of Section 332(c)(1)(B), the legislative history underlying its enactment, and accepted rules of statutory construction all point to the conclusion that the Commission has been delegated exclusive authority over all aspects of interstate and intrastate LEC-CMRS interconnection.

Section 332(c)(1)(B) provides that:

> Upon reasonable request of any person providing commercial mobile service, the Commission shall order a common carrier to establish physical connections with such service pursuant to the provisions of Section 201 of the Act. Except to the extent that the Commission is required to respond to such a request, this subparagraph shall not be construed as a limitation or expansion of the Commission's authority to order interconnection pursuant to this Act.

This provision thus establishes the following:

- The Commission is directed to respond to interconnection requests made by "any" CMRS provider, not just CMRS providers engaged in interstate services.

- The Commission is directed to carry out this responsibility "pursuant to Section 201 of this Act." Since Section 201 requires carriers to furnish interconnection upon reasonable request and at just and reasonable rates, the Commission's clearly assigned task is to ensure that all CMRS providers are able to obtain interconnection from LECs at reasonable rates

- The Commission's Section 201 jurisdiction is unaffected by Section 332(c)(1)(B) "except to the extent that the Commission is required to respond to [any CMRS provider's interconnection] request." This provision therefore does expand the Commission's Section 201 authority, but only insofar as LEC-CMRS interconnection is involved — be it interstate and/or intrastate

Some parties have suggested that this provision did not expand the Commission's existing Section 201 authority as it relates to *intrastate* LEC-CMRS interconnection. If this interpretation were correct, however, there would have been no reason to add Section 332(c)(1)(B) since the Commission, pursuant to Section 201, has always had authority over interstate LEC-CMRS interconnection matters. These parties' contentions are also inconsistent with the legislative history underlying the adoption of Section 332(c)(1)(B):

> [t]he Committee considers the right to interconnect an important one which the Commission shall seek to promote, since interconnection serves to enhance competition and advance a seamless *national* network [2]

Significantly, there is no mention of any state role or function in the achievement of these goals, but the inherently interstate aspect of CMRS is emphasized.

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[2] H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added).

These other parties' contentions also cannot be squared with the Budget Act revisions to Section 2(b) of the Act. Prior to 1993, the Commission's jurisdiction under Section 201, with some exceptions, was limited to *interstate* services by Section 2(b) which reserved to the states jurisdiction over *intrastate* services. But Section 2(b) was specifically revised by the Budget Act, such that the Commission lacks authority over intrastate services "*except* as provided in . . . Section 332." By carving out this exception for all services governed by Section 332, it was made clear that the Commission has jurisdiction over intrastate CMRS. It is important to note, moreover, that the Section 2(b) exception is not limited to Section 332(c)(3) (which preempts state rate and entry authority over CMRS); rather, it extends to all aspects of Section 332, including the Section 332(c)(1)(B) LEC-CMRS interconnection provision. By amending Section 2(b) in this manner, Congress confirmed its intent expressed in Section 332(c)(1)(B) to delegate to the Commission exclusive regulatory responsibility for all forms of LEC-CMRS interconnection, both interstate and intrastate.

What remains to be analyzed is whether Congress, less than three years later, intended to unravel this newly-adopted scheme. There is no evidence that this is the case. In fact, Congress evidenced its intent to preserve the Commission's exclusive authority over LEC-CMRS interconnection by adding Section 251(i), a savings provision which clarifies that Section 251 is not to be construed as limiting or otherwise affecting the Commission's authority under Section 201. That authority, as explained above, was expanded in 1993 (by virtue of both Section 332(c)(1)(B) and revised Section 2(b)), to include intrastate as well as interstate LEC-CMRS interconnection.

Congress' intent to leave intact the CMRS regulatory scheme adopted in the Budget Act is further underscored by the fact that Section 251(c)(2) applies only to requests by telecommunications carriers that seek interconnection for purposes of "providing telephone exchange service and exchange access."

Section 3(44) of the 1996 Act defines "local exchange carrier" as "any person that is engaged in the provision of telephone exchange service or exchange access." Expressly excluded from this definition are persons "engaged in the provision of a commercial mobile service under Section 332(c) except to the extent that the Commission finds that such service should be included in such term." Congress excluded CMRS from the Section 3(44) definition based on its understanding that CMRS providers do not now provide services that are substitutable for landline exchange services, except on an extremely limited basis. The legislative history underlying the adoption of Section 3(44) emphasizes this point:

> The term "local exchange carrier" does not include a person insofar as such person is engaged in the provision of CMRS under Section 332(c) of the Communications Act, except to the extent that such service as provided by such person in a State is a replacement for a substantial portion of the wireless telephone exchange services within such State.[3]

The Conference Agreement noted further that "[t]he Senate definition of 'local exchange carrier' was included to ensure that the Commission could, if *future* circumstances

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[3] H.R. Rep. No. 104-458, 104th Cong., 2d Sess. 115 (1996). The Senate receded to the House amendments regarding the definition of "local exchange carrier." *Id.* at 116. It is noteworthy that this definition is fully consistent with the Budget Act standard set forth in Section 332(c)(3)(A)(ii), which precludes states from regulating CMRS rates until such services are "a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service within such State."

warrant, include CMS providers which provide telephone exchange service or exchange access in the definition of 'local exchange carrier.'"[4] These statements make clear that, although the Commission is authorized to classify CMRS providers as local exchange carriers, this is something to be done, if at all, only in the future and only if CMRS providers offer services that are substitutable for local exchange services on a widespread basis.

Congress' treatment of CMRS providers in other provisions of the 1996 Act lends further support to the proposition that the local exchange carrier definition is not intended to apply to these entities. For example, Section 251(b) requires all local exchange carriers to provide dialing parity to providers of, *inter alia*, telephone toll service. CMRS providers, in stark contrast, are not required to provide equal access to providers of telephone toll services pursuant to Section 705 of the 1996 Act. Congress thus contemplated that CMRS providers and local exchange carriers would be subject to fundamentally different regulatory schemes at this time.

Congress surely intends the Commission to adopt policies that promote competitive entry by CMRS providers into the local exchange marketplace. In fact, the Commission has already begun this process -- the interim proposals put forth in CC Docket No. 95-185 were intended, in part, to promote the development of wireless services that could be competitive with LEC exchange services.

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[4] *Id.* at 116 (emphasis added).

Section II.B.2.e(2)

II. INTERIM RELIEF SHOULD BE IMPLEMENTED IMMEDIATELY

The Commission initiated CC Docket No. 95-185 in January, 1996 to address concerns that existing rates charged for LEC-CMRS interconnection are serving to thwart the development of CMRS. To remedy this problem, the Commission tentatively concluded that it "should move expeditiously to adopt interim policies governing the rates charged for LEC-CMRS interconnection." and that "at least for an interim period, interconnection rates should be priced on a 'bill and keep' basis . . . ."[5]

The record developed in that proceeding established beyond question that the concerns articulated by the Commission are well founded. One commenter after another demonstrated that the rates paid for interconnection by CMRS providers generally bear no relationship whatsoever to the costs LECs incur in providing the interconnection. The rates are also wildly inconsistent from one state to the next. Even the LECs' own economists admit that the current system is inefficient in terms of both rate levels and rate structure.[6] The record establishes further that LECs have routinely violated the Commission's reciprocal compensation requirements. The bottom line is that CMRS carriers typically pay interconnection rates that are many times higher than is justified under any reasonable measure. The few LECs that addressed the cost issues were unable to dispute this fact in any real fashion.

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5 *In the Matter of Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Service Providers*, Notice of Proposed Rulemaking, CC Docket No. 95-185, 61 Fed. Reg. 3644, 3645 (1996).

6 *See* Reply Comments of AirTouch in CC Docket No. 95-185 at 8.

The pervasive problems documented in CC Docket No. 95-185 have an inhibiting effect on the development of the CMRS industry, particularly as a potential competitor to LECs. As noted, the Commission proposed to remedy these problems by imposing an interim bill and keep solution The ensuing controversy over that proposal, coupled with the questions raised regarding the scope of the Commission's jurisdiction following the enactment of Section 251 and 252, has brought the process to a temporary halt. This delay is unfortunate because the need for expeditious relief is more acute than ever.

In an effort to move the process forward, AirTouch recommends the adoption of a three-part proposal: (1) the immediate suspension of existing rates; (2) the adoption of "true-up" procedures; and (3) the setting of a permanent rate ceiling to govern current and future negotiations between CMRS providers and LECs.

A. The Commission Should Order An Immediate Suspension of Existing Rates

Under the first component of this proposal, the Commission would immediately suspend existing interconnection rates.[7] The suspension of current charges would apply only to the usage sensitive charges paid today by CMRS providers to LECs

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[7] Under the Mobile-Sierra doctrine, a regulatory agency may modify the terms of contracts between two carriers where it determines that the terms of the existing contracts would "adversely affect the public interest." *Federal Power Comm'n v. Sierra Pacific Power Co.*, 350 U.S. 348, 355 (1956). The Commission has exercised this authority in the past. *See, e.g., In the Matter of Expanded Interconnection With Local Telephone Company Facilities*, CC Docket No. 91-141, Second Memorandum Opinion and Order on Reconsideration, 73 Rad. Reg. (P&F) 2d 1091 (1993). The record developed in CC Docket No. 95-185 clearly establishes that a continuation of existing LEC-CMRS agreements, with their unacceptably high rates, will adversely affect the public interest by inhibiting the development of CMRS, particularly services that will eventually compete with LEC services

for all local and toll calls. This would include per minute-of-use charges for origination and termination of mobile-to-land and land-to-mobile calls, and would apply to Type 1, Type 2A and Type 2B connections. Both end office and tandem switching and transport elements would be subject to the suspension

The costs for dedicated facilities, such as T1 facilities leased pursuant to tariffed rates, would continue to be paid under current conditions pending future negotiations for cost-sharing arrangements and redesign to reflect a single meet point between the two networks. The suspension would also not apply to special construction charges for entrance facilities. Nonetheless, negotiations over these interconnection elements should be subject to federal guidelines to ensure LECs treat CMRS as co-carriers and to reflect that both carriers benefit equally from the ability to exchange traffic on their networks.

The suspension would remain in place until such time as new rates, based on the LEC's long run incremental costs, are negotiated. If the parties are unable to reach agreement, the suspension period would last until new rates were imposed by the Commission. The suspension is supported by the fact that both networks incur costs to exchange traffic, in addition to the fact that existing rates are inordinately high.

Suspension of existing rates is a critical element of this proposal. Absent suspension, LECs will have little incentive to bargain seriously. CMRS providers' inability to secure reciprocal compensation in their prior interconnection arrangements provides strong evidence that the LECs have routinely failed to bargain in good faith and in compliance with Commission rules, and their superior bargaining strength has enabled them to succeed in this strategy. There is little cause for optimism that this situation will improve any time soon unless some type of incentive is worked into the system. A

suspension of existing interconnection rates may provide the necessary impetus since LECs argue that interconnection costs are not near enough to zero to justify bill and keep, and presumably would prefer to receive payment for their interconnection services sooner rather than later. Under this proposal, such payment would be withheld until a new agreement is reached. An additional benefit of this rate suspension proposal is that it requires only limited administrative oversight and thus reduces the Commission's burden.

B. True-Up Procedures Should Be Adopted

Another important element of the proposal is the adoption of true-up procedures. The true-up would be effectuated when reasonable rates, based on the LEC's long run incremental costs, are negotiated or set by the Commission if negotiations are unsuccessful. At that point, LECs would be paid the amount owed under the new rate, plus interest, for interconnection services provided during the suspension period. These procedures are thus to be distinguished from the bill and keep proposal that the LECs claim is so objectionable — with the true-up. LECs will be remunerated for the interconnection services rendered; the payments will simply be delayed for an interim period while negotiations take place and new rates are agreed upon. This true-up process is fundamentally fair because all parties are protected and no one is unjustly enriched. While the LECs may continue to cry foul, the fact is that unreasonably high CMRS interconnection rates paid over the last decade have provided a windfall for the LECs. It is time for that process to be brought to an immediate halt.

The use of true-up procedures by the Commission is not uncommon. They were recently implemented, for example, in a proceeding initiated to develop a new rate

structure for switched transport.[8] Given the complexity of the issues, the Commission developed an interim set of procedures, including a true-up mechanism, while long term rates were established.[9] A very similar procedure is proposed here. The only real difference is that in this instance the parties will be first given the opportunity to negotiate a new rate. If these efforts are successful, the Commission need not be involved in the process at all.[10]

C. The Commission Should Establish A Permanent Rate Ceiling

The third important component of this proposal is the establishment of a permanent rate cap based on estimated long term incremental costs, which would set the ceiling for rates negotiated now and in the future LECs argued in CC Docket No. 95-185

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8 *See Transport Rate Structure and Pricing*, CC Docket No. 91-213, Report and Order and Further Notice of Proposed Rulemaking, 7 FCC Rcd 7006 (1993); Fourth Memorandum Opinion and Order on Reconsideration, 10 FCC Rcd 12979 (1995).

9 Specifically, given the difficulty in projecting interexchange carrier reconfigurations, the Commission established true-up procedures to compare the projected demand used to calculate the interconnection charge with the actual demand during the first six months after implementation of the interim transport.

10 True-up procedures have also been utilized by the Commission in a variety of other contexts. *See, e.g., Southern Bell Tel. and Tel. Co. v. FCC*, 781 F.2d 209 (D.C. Cir. 1986) (using true-up to resolve existing reserve deficiencies); *In the Matter of Amendment of Parts 32 and 64 of the Commission's Rules to Account for Transactions Between Carriers and Their Non-Regulated Affiliates*, CC Docket No. 93-251, Notice of Proposed Rulemaking, 58 Fed. Reg. 62080 (1993) (using true-up to resolve inaccuracies in affiliate transaction costs); *In the Matter of Annual Rate Adjustment System for Cable Service Rates Request for Waiver of Requirements Contained in the Thirteenth Order on Reconsideration*, 1996 FCC LEXIS 866, DA 96-220 (rel. Feb. 22, 1996) (using true-up procedures for rate adjustments).

that CMRS providers' interconnection payments should contribute to overhead, legacy and universal service costs. Such a conclusion is contrary to sound economic theory.[11]

As the Commission noted in CC Docket No. 95-185, "[e]conomists generally agree that prices based on LRIC [long run incremental cost] reflect the true economic cost of service and give appropriate signals to producers and consumers and ensure efficient entry and utilization of the telecommunications infrastructure."[12] The fact is that long run incremental cost provides the starting point for efficient cost-based pricing, and imposition of a permanent rate ceiling based on long run incremental costs would be a first, but important step toward the realization of these goals.

While many LECs failed to provide long run incremental cost data in their filings, the record supports a ceiling of no more than 1¢ per minute.[13] This proposed

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11 *See* AirTouch Comments in CC Docket No. 95-185 at 10-14. Moreover, the Commission has opened a rulemaking in CC Docket 96-45 in response to the Congressional mandate in Section 254 of the 1996 Telecommunications Act to determine the means by which necessary universal service contributions will be collected. Allowing LECs to roll such costs into their CMRS interconnection rates violates Commission objectives to create explicit, competitively neutral funding.

12 *LEC-CMRS Interconnection NPRM*, *supra* note 5, at ¶ 47.

13 A waiver procedure could be established whereby high cost telephone companies would have the opportunity to demonstrate that the 1¢ per minute ceiling is inappropriate as to them. Any such parties should have a heavy burden of showing that their long term incremental cost of service is substantially higher than the ceiling, and that they would be significantly harmed if the ceiling rates are in effect during the suspension period.

ceiling is consistent with a study undertaken by Commission staff in 1993 which concluded that costs per minute were approximately 1¢ per minute.[14]

As referenced in the NPRM in CC Docket No. 95-185, Dr. Brock estimated interconnection costs at .02¢ per minute.[15] One LEC which challenged these findings reached the conclusion that the incremental costs for tandem switching and transport would bring the per call incremental costs to .06¢.[16] NYNEX argued "[T]he fact that incremental usage costs are absolutely small (a penny or less) does not imply that usage or interconnection costs are small in total or in economic effect, since those costs apply to a large volume of minutes."[17] According to Ameritech, "[t]he second of the NPRM's two conditions (i.e., that the actual cost of terminating traffic must approach zero) cannot possibly be met *unless purely incremental costing methodology were to be employed* in the Commission's analysis."[18] Moreover, Pacific Telesis concludes that the ". . . 24 hour average LRIC for Feature B Group termination is approximately $0.0062

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14 *See* Michael Marcus and Thomas Spavins, "The Impact of Technical Change of the Structure of the Local Exchange and the Pricing of Exchange Access: An Interim Assessment" (1993).

15 *LEC-CMRS Interconnection NPRM, supra* note 5, at ¶ 61 n.78 *citing* Gerald W. Brock, *The Economics of Interconnection: Incremental Cost of Local Usage* (Apr. 1995) (Brock Paper No. 3)

16 *See* Comments of U S WEST, Attachment A, Professor Harris Response at 13.

17 Comments of NYNEX, Exhibit A, Taylor Affidavit at 20.

18 Comments of Ameritech at 9 (emphasis added). USTA stated that LEC interconnect costs average 1.3¢ per minute, but admitted that this includes overhead costs which they believe are justified by the fact that such costs increase generally as firms increase their scale of operation Comments of USTA, Attachment by Strategic Policy Research at 9 (emphasis added)

[0.62 cents] per minute . . ."[19] Additionally, MCI cited, "publicly available New England Telephone incremental costs study estimated a cost of switched access of 0.24 cents per minute for the day period."[20]

These statements by LECs confirm that a 1¢ per minute ceiling is a reasonable, perhaps even generous cap. The Commission's imposition of a rate ceiling of 1¢ per minute will assist CMRS providers in their efforts to renegotiate reasonable interconnection rates. This will not be achievable in the foreseeable future unless the ceiling is imposed. In the unlikely event the LECs are able to demonstrate that their long run incremental costs exceed 1¢ per minute, then the true-up will ensure that they are fully compensated when this showing is made.

The adoption of all these measures -- done in a single package — will establish a fair framework for interim LEC-CMRS interconnection while the parties negotiate appropriate interconnection rates based on long run incremental costs. The concept of reciprocal compensation must also be enforced. These procedures will encourage good faith negotiations by LECs, and lead to the introduction of reasonable LEC-CMRS interconnection rates at the earliest possible date.

CONCLUSION

LEC-CMRS interconnection arrangements are governed by Section 332(c)(1)(B), not by Sections 251/252. As a result, Congress has established a system whereby the Commission, not the states, has exclusive jurisdiction over the issues. The

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[19] In making these points, MCI refers to Comments of Pacific Bell, Pacific Bell Mobile Services and Nevada Bell, Statement of Professor Jerry A. Hausman at 14.

[20] New England Telephone Company, *1993 New Hampshire Incremental Cost Study* at 377.

Commission is, therefore, fully empowered to act to ensure that LEC-CMRS interconnection arrangements are fundamentally reformed so that they are pro-competitive. The concerns identified in CC Docket No. 95-185 with respect to LEC-CMRS interconnection persist today, as does the need for expedited interim relief. It is well within the Commission's authority under Section 332(c) to remedy these significant problems on an interim basis. AirTouch therefore urges the Commission to proceed with implementation of interim relief described herein as soon as possible.

Respectfully submitted,

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